

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

RYAN FENSTERMAKER,

Plaintiff,

vs.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

:
:
:
:
:
:
:
:
:
:
:
:

CASE NO. 1:17-cv-1272

OPINION AND ORDER
[Resolving Doc. [1](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On June 16, 2017, Plaintiff Ryan Fenstermaker filed a complaint seeking judicial review of Defendant Commissioner of Social Security’s decision to deny his application for disability benefits.¹ The Court referred the matter to Magistrate Judge Kathleen B. Burke.

On May 21, 2018, Magistrate Judge Burke issued a Report and Recommendation (“R&R”) recommending that this Court affirm the Commissioner’s final decision.² Objections to that R&R were due by June 4, 2018. Plaintiff Fenstermaker filed no objections.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of an R&R to which the parties have made an objection.³ Failure to timely object waives a party’s right to appeal the Magistrate Judge’s R&R.⁴ So, where a party does not object to the R&R, a district court may adopt it without review.⁵

¹ Doc. [1](#); Doc. [21](#) at 1.

² *Id.*

³ 28 U.S.C. § 636(b)(1)(C).

⁴ *Thomas v. Arn*, 474 U.S. 140, 145 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

⁵ *See Thomas*, 474 U.S. at 149–50.

Case No. 1:17-cv-1272
Gwin, J.

Accordingly, in light of Plaintiff Fenstermaker's decision not to object to the R&R in this case, the Court **ADOPTS** Magistrate Judge Burke's R&R, incorporates it as if fully restated herein, and **AFFIRMS** the Commissioner's denial of benefits.

IT IS SO ORDERED.

Dated: June 5, 2018

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE